RECEIVED
CENTRAL FAX CENTER
JUL 13 2006

Remarks

A restriction requirement under 35 U.S.C. §121 was set forth in the Official Action dated March 21, 2006 in the above-identified patent application. It is the Examiner's position that the application describes ten (10) distinct inventions. These are as follows:

Group I: Claims 1-4 and 7-9, drawn to an isolated polynucleotide comprising a nucleotide sequence which is at least 85% homologous to SEQ ID No. 1, an expression vector comprising said polynucleotide, an isolated host cell comprising said expression vector, and a process for producing a polypeptide by using said host cell, classifiable in classes 536 and 435, subclasses 23.5, and 320.1 and 69.1, respectively.

Group II: Claim 5, drawn to an oligonucleotide comprising at least 20 contiguous nucleotides of SEQ ID No. 1, wherein said oligonucleotide hybridizes to the variant region in the ferritin light chain gene associated with hereditary ferritinopathy, classified in class 536, subclass 24.3.

Group III: Claim 6, drawn to an isolated polynucleotide that encodes a polypeptide comprising the amino acid sequence of SEQ ID No. 12, classified in class 536, subclass 23.5.

Group IV: Claim 10, drawn to an isolated polynucleotide comprising the amino acid sequence of SEQ ID No. 2, classified in class 530, subclass 350.

PAGE 10/14 * RCVD AT 7/13/2006 3:28:36 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/14 * DNIS:2730726 * CSID:215 563 4044 * DURATION (mm-ss):03-58

Group V: Claim 10, drawn to an isolated polynucleotide comprising the amino acid sequence of SEQ ID No. 12, classified in class 530, subclass 300.

Group VI: Claims 11-14 and 16, drawn to an antibody specific to the amino acid sequence of SEQ ID No. 2, and a method for diagnosing a patient with hereditary ferrintinopathy by using said antibody, classifiable in classes 530 and 435, subclasses 387.1 and 7.1.

Group VII: Claims 11-13, drawn to an antibody specific to the amino acid sequence of SEQ ID No. 12, classified in class 530, subclass 387.1.

Group VIII: Claims 14 and 15, drawn to a method for diagnosing a patient with hereditary ferrintinopathy by detecting nucleic acid sequence of SEQ ID No. 1 in said patient, classified in class 435, subclass 6.

Group IX: Claims 17-21, drawn to a transgenic animal comprising a ferritin light chain gene variant of SEQ ID No. 1 or a functional fragment thereof and progeny of said transgenic animal, classified in class 800, subclasses 13 and 18.

Group X: Claims 22-24, drawn to a method for screening and identifying agents which affect ferritin deposition and metabolism in an animal model system by using the transgenic animal comprising SEQ ID No. 1, classified in class 800, subclass 3.

The Examiner indicates that claim 10 links the Group IV and V inventions. Claims 11-13 link the Group VI and VII inventions. Claim 14 links the Group VI and VIII inventions. The restriction requirement among the linked

PAGE 11/14 * RCVD AT 7/13/2006 3:28:36 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/14 * DNIS:2730726 * CSID:215 563 4044 * DURATION (mm-ss):03-58

inventions is subject to the non-allowance of the linking claims. Should a linking claim be found in condition for allowance, the restriction requirement between these groups of invention shall be withdrawn.

Election with Traverse

In order to be fully responsive to the above-mentioned requirement, Applicants hereby elect the subject matter of Group IX for consideration in this application drawn to a transgenic animal comprising an altered ferritin light chain or functional fragment thereof and progeny of said animal.

Traversal

Applicants respectfully request reconsideration and modification of the restriction requirement in view of the claim amendments presented herewith. Specifically, it is requested that the restriction between the Group IX and Group X inventions be withdrawn for the reasons set forth below.

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

> (A) The inventions must be independent (see MPEP § 802.01, § 806.04, § 808.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(i)); and
> (B) There must be a serious burden on the examiner if restriction is required (see MPEP § 803.02, § 806.04(a) - § 806.04(i), § 808.01(a), and § 808.02).

Applicants respectfully submit that the Examiner's workload would not be increased by searching the invention as presently claimed in the Groups IX and X inventions and request that at a minimum, claims 17-28 be examined together.

PAGE 12/14 * RCVD AT 7/13/2006 3:28:36 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/14 * DNIS:2730726 * CSID:215 563 4044 * DURATION (mm-ss):03-58

Claim 17 has been amended to recite a transgenic mouse comprising an altered ferritin light chain gene. Support for this amendment can be found at page 19, lines 10-15, page 38, line 26 over to page 39, line 22 and page 40, lines 16-19. The screening method of claims 22 and 27 now requires the use of the transgenic mouse of claims 17 or 18 respectively. Accordingly, a proper search of the method of claim 22 as amended necessarily encompasses a search of the art related to the transgenic mice of claim 17. Accordingly, it cannot be reasonably maintained that the Examiner's workload would be increased if both of these groups of invention were searched.

Finally, Applicants note that the claims of the Group IX and X inventions as amended are related as products and processes of use.

The MPEP at §821.04 states:

> "Where product and process claims drawn to independent and distinct inventions are presented in the same application, applicant may be called upon under 35 U.S.C. 121 to elect claims to either then product or process. See MPEP §806.05(f) and §806.05(h)... However, if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined."

Accordingly, it is Applicants understanding that should the product claims of the Group IX invention be deemed allowable, the method claims of the Groups X invention will be rejoined.

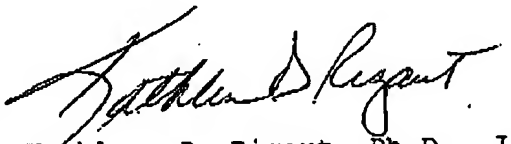
While traversing the restriction requirement for the reasons set forth above, Applicants wish to be fully responsive. Accordingly, the claims of the Group IX invention are elected for prosecution at this time.

PAGE 13/14 * RCVD AT 7/13/2006 3:28:36 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/14 * DNIS:2730726 * CSID:215 563 4044 * DURATION (mm-ss):03-58

Applicants reserve the right to file one or more continuing applications under 35 U.S.C. §120 on the subject matter of any claims finally held withdrawn from consideration in this application.

Favorable consideration leading to prompt allowance of the present application is respectfully requested.

Respectfully submitted,
DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation

By 
Kathleen D. Rigaut, Ph.D., J.D.
PTO Registration No. 43,047

Telephone: (215)-563-4100

PAGE 14/14 * RCVD AT 7/13/2006 3:28:36 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/14 * DNIS:2730726 * CSID:215 563 4044 * DURATION (mm-ss):03-58